

SENATE BILL No. 388

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-2-3-16.

Synopsis: Alcoholic beverage signs. Allows a primary source of supply or wholesaler of alcoholic beverages to provide an illuminated advertising sign to a retail or dealer permittee. Provides that a primary source of supply or wholesaler is not required to maintain an illuminated advertising sign provided to a retail or dealer permittee.

Effective: July 1, 2003.

Young R Michael

January 16, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 388

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-2-3-16 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) The commission
3 shall have the power to regulate and prohibit advertising, signs,
4 displays, posters, and designs intended to advertise an alcoholic
5 beverage or the place where alcoholic beverages are sold.

6 (b) The commission shall not exercise the prohibition power
7 contained in subsection (a), as to any advertisement appearing in a
8 newspaper which:

9 (1) is published at least once a week;

10 (2) regularly publishes information of current news interest to the
11 community; and

12 (3) circulates generally to the public in any part of this state,
13 regardless of where printed.

14 However, a newspaper shall not include publications devoted to special
15 interests such as labor, religious, fraternal, society, or trade
16 publications or journals, or publications owned or issued by political
17 organizations or parties.



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(c) The commission shall not exercise the prohibition power contained in subsection (a) as to any advertisement broadcast over duly licensed radio and television stations.

(d) All advertisements relating to alcoholic beverages, whether published in a newspaper or broadcast over radio or television, shall conform to the rules and regulations of the commission.

(e) The commission shall not exercise the prohibition power contained in subsection (a) as to advertising in the official program of the Indianapolis 500 Race or the Madison Regatta, Inc., Hydroplane Race.

(f) Notwithstanding any other law, the commission may not prohibit the use of an illuminated sign advertising alcoholic beverages by brand name that is displayed within the interior or on the exterior of the premises covered by the permit, regardless of whether the sign is illuminated constantly or intermittently. ~~However, it is unlawful for A~~ primary source of supply or a wholesaler of alcoholic beverages ~~to may~~ sell, give, supply, furnish, or grant to ~~or maintain for~~, a retail or dealer permittee an illuminated advertising sign. ~~It is unlawful for A primary source of supply or a wholesaler of alcoholic beverages is not required to maintain an illuminated advertising sign that the primary source of supply or wholesaler sells, gives, supplies, furnishes, or grants to a retail or dealer permittee.~~ A retail or dealer permittee ~~to may~~ receive, accept, display, or permit to be displayed an illuminated advertising sign sold, given, supplied, furnished, ~~or granted or maintained in violation of this subsection.~~ **by a primary source of supply or a wholesaler of alcoholic beverages.**

(g) The commission may not prohibit the advertisement of:

(1) alcoholic beverages; or

(2) a place where alcoholic beverages may be obtained;

in a program, scorecard, handbill, throw-away newspaper, or menu; however, those advertisements must conform to the rules of the commission.

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